

REMARKS

Rejections under 35 USC §102(a) and under 35 USC §103

Claims 47 and 58 are rejected as being anticipated under 35 USC §102(a) in view of the abstract by Leblond et al. In addition, claims 1-46 and 48-57 are rejected as allegedly being obvious under 35 USC §103(a) in view of Gourdeau et al. (US 6,747,036) in combination with Chu et al. (US 5,817,667) and the Leblond et al. abstract. Finally, claims 59 and 60 are rejected as being obvious under 35 USC §103(a) in view of the abstract by Leblond et al. in combination with Chu et al. (US '667).

Applicants previously filed Declarations under Rule 132 by each of the two inventors. These Declarations confirmed that, to the extent the claimed invention was disclosed in the Leblond et al. abstract, such disclosure is the invention of Jacques Jolivet and Henriette Gourdeau, the two co-inventors of the present application. Therefore, the abstract does not constitute prior art with respect to the claimed invention. See, e.g., *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982). Subsequent to the execution of these two Declarations, it was determined that there was a typographical error in the text of the Declarations. Specifically, the Declarations referred to a study done on rats, whereas the study mentioned in the abstract was actually done on mice. Applicants stated they would submit corrected Declarations.

In the Office Action of issued May 2, 2006, the Examiner stated that the rejection under 35 USC §102(a) in view of the abstract by Leblond et al. and the rejection under 35 USC §103(a) in view of Gourdeau et al. (US 6,747,036) in combination with Chu et al. (US 5,817,667) and the Leblond et al. abstract. would be withdrawn once corrected Declarations from the inventors had been filed. Applicants now submit herewith corrected Declarations by the two inventors which state that the study was done on mice. Also submitted herewith are corrected Declarations executed by the non-inventor co-authors. Withdrawal of the rejections in view of the abstract by Leblond et al., and in view of Gourdeau et al. (US 6,747,036) in combination with Chu et al. (US 5,817,667) and the Leblond et al. abstract, is respectfully requested.

In the Office Action issued May 2, 2006, the Examiner presented a new rejection with

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respect to new claims 59-60, i.e., the rejection under 35 USC §103(a) in view of the abstract by Leblond et al. in combination with Chu et al. (US 5,817,667). This rejection similarly relies on the Leblond et al. abstract. The Declarations submitted herewith establish that this abstract does not constitute prior art with respect to the claimed invention. Withdrawal of the rejections under 35 USC §103(a) in view of Leblond et al. in combination with Chu et al. is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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